



Practitioner's Docket No. 1600/163 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cote et al.

Application No.: 10/700,344
Filed: November 3, 2003
For: Luer-Activated Valve

Group No.: Not yet assigned
Examiner: Not yet assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or

(Information Disclosure Statement--page 1 of 17)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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Steven G. Saunders

Date: February 18, 2004

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ JEPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Cote et al.	Attorney Docket:	1600/163
Serial No:	10/700,344	Art Group Unit:	Not yet assigned
Date Filed:	November 3, 2003	Examiner Name:	Not yet assigned
Invention:	Luer-Activated Valve		

**LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE STATEMENT****United States Patents**

Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
_____	AA	6,290,206	Sep. 18, 2001	Doyle	251/149.1
_____	AB	6,245,048	Jun. 12, 2001	Fangrow, Jr. et al.	604/249
_____	AC	6,152,900	Nov. 28, 2000	Mayer	604/167
_____	AD	6,089,541	Jul. 18, 2000	Weinheimer et al.	251/149.6
_____	AE	6,068,011	May 30, 2000	Paradis	137/1
_____	AF	6,050,978	Apr. 18, 2000	Orr et al.	604/249
_____	AG	6,048,335	Apr. 11, 2000	Mayer	604/167
_____	AH	6,039,302	Mar. 21, 2000	Cote, Sr. et al.	251/149.1
_____	AI	6,036,171	Mar. 14, 2000	Weinheimer et al.	251/149.1
_____	AJ	6,029,946	Feb. 29, 2000	Doyle	251/149.1
_____	AK	5,921,264	Jul. 13, 1999	Paradis	137/15
_____	AL	5,820,601	Oct. 13, 1998	Mayer	604/167
_____	AM	5,806,831	Sep. 15, 1998	Paradis	251/149.1
_____	AN	Re: 35,841	Jul. 7, 1998	Frank et al.	604/256
_____	AO	5,749,861	May 12, 1998	Guala et al.	604/249
_____	AP	5,700,248	Dec. 23, 1997	Lopez	604/249
_____	AQ	5,699,821	Dec. 23, 1997	Paradis	137/1
_____	AR	5,695,466	Dec. 9, 1997	Lopez et al.	604/93
_____	AS	5,694,686	Dec. 9, 1997	Lopez	29/890.126
_____	AT	5,685,866	Nov. 11, 1997	Lopez	604/249
_____	AU	5,676,346	Oct. 14, 1997	Leinsing	251/149.1
_____	AV	5,674,206	Oct. 7, 1997	Allton et al.	604/249
_____	AW	5,620,434	Apr. 15, 1997	Brony	604/406
_____	AX	5,616,130	Apr. 1, 1997	Mayer	604/167
_____	AY	5,616,129	Apr. 1, 1997	Mayer	604/167
_____	AZ	5,578,059	Nov. 26, 1996	Patzer	604/249
_____	BA	5,573,516	Nov. 12, 1996	Tyner	604/249

BB	5,569,235	Oct. 29, 1996	Ross et al.	604/403
BC	5,569,209	Oct. 29, 1996	Roitman	604/190
BD	5,549,566	Aug. 27, 1996	Elias et al.	604/167
BE	5,533,983	Jul. 9, 1996	Haining	604/249
BF	5,533,708	Jul. 9, 1996	Atkinson et al.	251/149.1
BG	5,520,666	May 28, 1996	Choudhury et al.	604/283
BH	5,509,912	Apr. 23, 1996	Vaillancourt et al.	604/283
BI	5,509,433	Apr. 23, 1996	Paradis	137/1
BJ	6,609,696	Aug. 20, 2003	Enerson	251/86
BK	5,474,544	Dec. 12, 1995	Lynn	604/283
BL	5,474,536	Dec. 12, 1995	Bonaldo	604/86
BM	5,465,938	Nov. 14, 1995	Werge et al.	251/149.1
BN	5,439,451	Aug. 8, 1995	Collinson et al.	604/247
BO	5,401,255	Mar. 28, 1995	Sutherland et al.	604/247
BP	5,390,898	Feb. 21, 1995	Smedley et al.	251/149.6
BQ	5,380,306	Jan. 10, 1995	Brinon	604/244
BR	5,360,413	Nov. 1, 1994	Leason et al.	604/249
BS	5,349,984	Sep. 27, 1994	Weinheimer et al.	137/543.21
BT	5,330,435	Jul. 19, 1994	Vaillancourt	604/167
BU	5,320,328	Jun. 14, 1994	Decloux et al.	251/326
BV	5,300,034	Apr. 5, 1994	Behnke et al.	604/167
BW	5,280,876	Jan. 25, 1994	Atkins	251/149.1
BX	5,269,771	Dec. 14, 1993	Thomas et al.	604/213
BY	5,242,432	Sep. 7, 1993	DeFrank	604/284
BZ	5,242,393	Sep. 7, 1993	Brimhall et al.	604/86
CA	5,230,706	Jul. 27, 1993	Duquette	604/83
CB	5,221,271	Jun. 22, 1993	Nicholson et al.	604/283
CC	5,215,538	Jun. 1, 1993	Larkin	604/249
CD	5,203,775	Apr. 20, 1993	Frank et al.	604/256
CE	5,201,715	Apr. 13, 1993	Masters	604/175
CF	5,199,947	Apr. 6, 1993	Lopez et al.	604/56
CG	6,543,745	Apr. 8, 2003	Enerson	251/149.7
CH	5,171,230	Dec. 15, 1992	Eland et al.	604/250
CI	5,147,333	Sep. 15, 1992	Raines	604/249
CJ	5,108,380	Apr. 28, 1992	Herlitze et al.	604/283
CK	5,100,394	Mar. 31, 1992	Dudar et al.	604/283
CL	5,085,645	Feb. 4, 1992	Purdy et al.	604/167
CM	5,080,654	Jan. 14, 1992	Picha et al.	604/167
CN	5,059,175	Oct. 22, 1991	Hanover et al.	604/891.1
CO	5,049,128	Sep. 17, 1991	Duquette	604/83
CP	5,048,537	Sep. 17, 1991	Messinger	128/673
CQ	5,041,087	Aug. 20, 1991	Loo et al.	604/83
CR	5,006,114	Apr. 9, 1991	Rogers et al.	604/167
CS	4,966,199	Oct. 30, 1990	Ruschke	137/843
CT	4,935,010	Jun. 19, 1990	Cox et al.	604/122
CU	4,917,668	Apr. 17, 1990	Haindl	604/167
CV	4,915,687	Apr. 10, 1990	Sivert	604/83

CW	4,874,377	Oct. 17, 1989	Newgard et al.	604/167
CX	4,850,978	Jul. 25, 1989	Dudar et al.	604/201
CY	4,819,684	Apr. 11, 1989	Zaugg et al.	137/112
CZ	4,816,020	Mar. 28, 1989	Brownell	604/97
DA	4,809,679	Mar. 7, 1989	Shimonaka et al.	128/4
DB	4,776,369	Oct. 11, 1988	Lardner et al.	137/515.5
DC	4,752,292	Jun. 21, 1988	Lopez et al.	604/244
DD	4,752,287	Jun. 21, 1988	Kurtz et al.	604/99
DE	4,758,224	Jul. 19, 1988	Siposs	604/119
DF	4,749,003	Jun. 7, 1988	Leason	137/854
DG	4,745,950	May 24, 1988	Mathieu	137/798
DH	4,743,235	May 10, 1988	Waldbillig et al.	604/250
DI	4,712,583	Dec. 15, 1987	Pelmulder et al.	137/852
DJ	4,710,168	Dec. 1, 1987	Schwab et al.	604/99
DK	4,698,061	Oct. 6, 1987	Makaryk et al.	604/408
DL	4,683,916	Aug. 4, 1987	Raines	137/854
DM	4,683,905	Aug. 4, 1987	Vigneau et al.	137/329
DN	4,681,132	Jul. 21, 1987	Lardner	137/271
DO	4,675,003	Jun. 23, 1987	Hooven	604/9
DP	4,661,110	Apr. 28, 1987	Fortier et al.	604/256
DQ	4,617,015	Oct. 14, 1986	Foltz	604/100
DR	4,611,973	Sep. 16, 1986	Birdwell	417/342
DS	4,596,557	Jun. 24, 1986	Pexa	604/86
DT	4,585,435	Apr. 29, 1986	Vaillancourt	604/27
DU	4,551,136	Nov. 5, 1985	Mandl	604/141
DV	4,550,785	Nov. 5, 1985	Hibbard et al.	173/134
DW	4,535,820	Aug. 20, 1985	Raines	137/854
DX	4,534,758	Aug. 13, 1985	Akers et al.	604/85
DY	4,498,658	Feb. 12, 1985	Mikiya	251/149.6
DZ	4,496,348	Jan. 29, 1985	Genese et al.	604/167
EA	4,458,480	Jul. 10, 1984	Irwin	60/39.63
EB	4,421,296	Dec. 20, 1983	Stephens	251/149.7
EC	4,401,432	Aug. 30, 1983	Schwartz	604/89
ED	6,344,033 B1	Feb. 5, 2002	Jepson et al.	604/256
EE	4,344,435	Aug. 17, 1982	Aubin	128/350R
EF	4,334,551	Jun. 15, 1982	Pfister	137/614.03
EG	4,333,455	Jun. 8, 1982	Bodicky	128/214.4
EH	4,324,239	Apr. 13, 1982	Gordon et al.	128/214R
EI	4,300,571	Nov. 17, 1981	Waldbillig	128/673
EJ	4,223,808	Sep. 23, 1980	Williams et al.	222/88
EK	4,143,853	Mar. 13, 1979	Abramson	251/149.1
EL	4,121,585	Oct. 24, 1978	Becker, Jr.	128/214R
EM	4,116,201	Sep. 26, 1978	Shah	128/351
EN	4,094,196	June 13, 1978	Friswell	73/422GC
EO	4,094,195	June 13, 1978	Friswell et al.	73/422GC
EP	4,063,555	Dec. 20, 1977	Uliner	128/214R
EQ	3,994,293	Nov. 30, 1976	Ferro	128/214R

_____	ER	3,965,910	June 29, 1976	Fischer	128/349R
_____	ES	3,923,065	Dec. 2, 1975	Nozick et al.	128/348
_____	ET	3,831,629	Aug. 27, 1974	Mackal et al.	137/525
_____	EU	3,806,086	Apr. 23, 1974	Cloyd	251/149.7
_____	EV	3,726,282	Apr. 10, 1973	Patel	128/349BV
_____	EW	3,572,375	March 23, 1971	Rosenberg	137/512
_____	EX	3,570,484	Mar. 16, 1971	Steer	128/214
_____	EY	3,538,950	Nov. 10, 1970	Porteners	137/608
_____	EZ	3,506,005	Apr. 14, 1970	Gilio et al.	128/214
_____	FA	3,416,567	Dec. 17, 1968	Von Dardel et al.	137/604
_____	FB	3,399,677	Sept. 3, 1968	Gould et al.	128/349
_____	FC	3,385,301	May 28, 1968	Harautuneian	128/349
_____	FD	3,192,949	July 6, 1965	De See	137/540
_____	FE	3,105,511	Oct. 1, 1963	Murphy, Jr.	137/399
_____	FF	3,087,492	Apr. 30, 1963	Garth	128/350
_____	FG	2,999,499	Sept. 12, 1961	Willett	128/214
_____	FH	2,899,975	Aug. 18, 1959	Fernandez	137/543.17
_____	FI	2,756,740	July 31, 1956	Deane	128/1
_____	FJ	2,705,501	Apr. 5, 1955	Frizsch et al.	137/113
_____	FK	2,693,801	Nov. 9, 1954	Foreman	128/214
_____	FL	2,594,405	Apr. 29, 1952	Deters	137/53
_____	FM	6,428,520	Aug. 6, 2002	Lopez et al	604/249
_____	FN	6,595,964	July 22, 2003	Finley et al	604/246
_____	FO	2003/0141477	Jul. 31, 2003	Miller	251/149.1
_____	FP	2003/0098430	May 29, 2003	Leinsing et al	251/149.6
_____	FQ	6,245,048 B1	Jun. 12, 2001	Fangrow, Jr. et al	604/249

Foreign Patent Documents

Examiner Initials	Reference Number	Document Number	Issue Date	Country
_____	FR	00/44433	Aug. 3, 2000	WO
_____	FS	98/39594	Sept. 11, 1998	WO
_____	FT	98/22178	May 28, 1998	WO
_____	FU	97/39791	Oct. 30, 1997	WO
_____	FV	96/00107	Jan. 4, 1996	WO
_____	FW	0629418A1	Dec. 21, 1994	EP
_____	FX	93/11828	June 24, 1993	WO
_____	FY	0268480A1	May 25, 1988	EP
_____	FZ	83/02559	Aug. 4, 1983	WO
_____	GA	2 079 162	Jan. 20, 1982	UK
_____	GB	98/22178	May 28, 1998	WO
_____	GC	98/26835	Jun. 25, 1998	WO
_____	GD	01/20218 A1	Mar. 3, 2001	UK

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☐ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

U.S. patent citations are not included pursuant to 37 CFR 1.98 9(a)(2)(i) and 37 CFR 1.491(b), in which the USPTO waived the requirement for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

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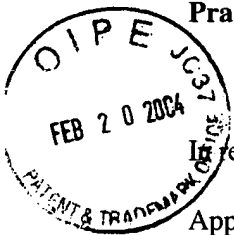
01600/00163 295465.1

SIGNATURE OF PRACTITIONER

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Practitioner's Docket No. 1600/163 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cote et al.

Application No.: 10/700,344

Filed: November 3, 2003

For: Luer-Activated Valve

Group No.: Not yet assigned

Examiner: Not yet assigned

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. SECTION 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: The "filing date of a national application" under 37 C.F.R. section 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. section 1.53(b) as "the date on which: (1) A specification containing a description pursuant to section 1.71 and at least one claim pursuant to section 1.75; and (2) any drawing required by section 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by section 1.41." 37 C.F.R. section 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Date: February 18, 2004

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☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Steven G. Saunders

documents and fees required by 35 U.S.C. section 371(c) within the periods set forth in section 1.494 or section 1.495. 35 U.S.C. section 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. section 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 C.F.R. section 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. section 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

***WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. section 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

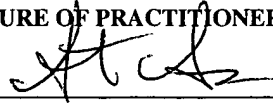
Reg. No. 36,265

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Customer No.: 002101

01600/00163 295464.1

SIGNATURE OF PRACTITIONER



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